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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,603	07/03/2003	Arnim B. Jebe	7308-05	6149
27735	7590	12/23/2004	EXAMINER	
WILLIAM C. CRUTCHER MCCORMICK, PAULDING & HUBER, LLP 185 ASYLUM STREET, CITY PLACE II, 18TH FLOOR HARTFORD, CT 06103-4102			PAYER, HWEI SIU CHOU	
		ART UNIT	PAPER NUMBER	
		3724		

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/611,603	JEBE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hwei-Siu C. Payer	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_ is/are rejected.
- 7) Claim(s) 1-6 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## Detailed Action

This application is in condition for allowance except for the following formal matters:

I. To ensure proper consideration of prior art pencil sharpener manufactured by Penshar LLC (cited on page 2 of the specification), Applicant is requested to provide a copy of the above pencil sharpener.

II. The disclosure is objected to because of the following informalities:

(1) In paragraph [0025], line 1, reference numeral "45" is not found in any drawings.

(2) In paragraph [0026], line 3, reference element "50b" is not found in any drawings.

III. Claims 1-6 are objected to because of the following informalities:

(1) In claim 1, line 13, "may" should read --can--.

(2) In claim 1, line 13, "guide" should read --guide member--.

(3) In claim 1, line 15, "guide so as move" should read --guide member so as to move--.

(4) In claims 2-5, line 1, "combination" should read --sharpening apparatus--.

(5) In claim 2, line 2, "its cutting edge" should read --with its cutting edge--.

(6) In claim 3, line 3, "may" should read --can--.

(7) In claim 3, line 3, "two rotated positions" should read --the two rotated positions--.

(8) In claim 5, line 4, "its cutting edge" should read --with its cutting edge--.

(9) In claim 6, line 14, "its cutting edge" should read --with its cutting edge--.

(10) In claim 6, line 16, "may" should read --can--.

(11) In claim 6, line 16, "guide" should read --guide member--.

(12) In claim 6, line 17, "guide so as move" should read --guide member so as to move--.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

#### Prior Art Citations

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herbold, Condon, Jones, Donaldson, Rolls, Lawson et al. and Jebe et al. are cited as art of interest.

### **Reasons for Allowance**

Claims 1-6 contain allowable subject matter because none of the prior art of record taken alone or in combination thereof shows or fairly suggests the claimed subject matter. Specifically, the claimed sharpening apparatus in which the pivotably mounted guide member incorporating with the blade disposed on at least one of the opposed walls of the housing recess so that an elongated object can be slid through a passage of the guide member toward the cutting edge of the blade while the elongated object is being used to pivot the guide member to move the end of the elongated object past the cutting edge of the blade to remove material from the elongated object to obtain a selected profile on the end of the elongated object is not shown or made obvious by the prior art of record or any combination thereof.

### **Remarks**

In light of the allowable subject matter as indicated, Applicant is requested to submit formal drawings in response to this Office action.

### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 571-273-4511 for proposed amendments.

H Payer  
December 21, 2004

*Hwei-Siu Payer*

Hwei-Siu Payer  
Primary Examiner